

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY MAY 7, 2014

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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1432**

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**Introduced by Assembly Member Gatto**  
**(Principal coauthor: Assembly Member Bonilla)**  
**(Coauthors: Assembly Members *Campos*, *Dababneh*, and *Dickinson*)**  
*(Coauthor: Senator Cannella)*

January 6, 2014

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An act to repeal Section 44690 of, and to repeal and add Section 44691 of, the Education Code, and to amend Section 11165.7 of the Penal Code, relating to child abuse reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 1432, as amended, Gatto. Mandated child abuse reporting: school employees: training.

The Child Abuse and Neglect Reporting Act requires a mandated reporter, which includes teachers and other school employees, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Existing law requires the State Department of Education to develop staff development seminars and any other appropriate means of instructing school personnel in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect. Existing law requires school districts that do not train their employees

in the duties of mandated reporters under the child abuse reporting laws to report to the State Department of Education the reasons why this training is not provided.

This bill would require the State Department of Education, in consultation with the Office of Child Abuse Prevention in the State Department of Social Services, to develop and disseminate information to all school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools, and their school personnel in California, regarding the detection and reporting of child abuse, to provide statewide guidelines on the responsibilities of mandated reporters, and to develop appropriate means of instructing school personnel in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect, *including, but not limited to, an online training module.*

The bill would require school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools to ~~annually train, as appropriate,~~ *do both of the following: (1) annually train, using the online training module provided by the department, or providing different training, as specified, employees and persons working on their behalf who are mandated reporters on the mandated reporting requirements, as specified, and would require these employees to submit specified; and (2) develop a process for all persons required to receive training under the bill to provide proof of completing this training to the applicable governing board or body of the school district, county office of education, state special school and diagnostic center, or charter school* within the first 6 weeks of each school year or within 6 weeks of *that person's* employment. By imposing these additional duties on local educational agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 44690 of the Education Code is repealed.

2 SEC. 2. Section 44691 of the Education Code is repealed.

3 SEC. 3. Section 44691 is added to the Education Code, to read:

4 44691. (a) The department, in consultation with the Office of  
5 Child Abuse Prevention in the State Department of Social Services,  
6 shall do all of the following:

7 (1) Develop and disseminate information to all school districts,  
8 county offices of education, state special schools and diagnostic  
9 centers operated by the department, and charter schools, and their  
10 school personnel in California, regarding the detection and  
11 reporting of child abuse.

12 (2) Provide statewide guidelines on the responsibilities of  
13 mandated reporters in accordance with the Child Abuse and Neglect  
14 Reporting Act (Article 2.5 (commencing with Section 11164) of  
15 Chapter 2 of Title 1 of Part 4 of the Penal Code). These guidelines  
16 shall include, but not necessarily be limited to, both of the  
17 following:

18 (A) Identification of child abuse and neglect.

19 (B) Reporting requirements for child abuse and neglect.

20 (3) Develop appropriate means of instructing school personnel  
21 in the detection of child abuse and neglect and the proper action  
22 that school personnel should take in suspected cases of child abuse  
23 and neglect, including, but not limited to, an online training  
24 module.

25 (b) School districts, county offices of education, state special  
26 schools and diagnostic centers operated by the department, and  
27 charter schools shall ~~annually provide training, as appropriate, do~~  
28 *both of the following:*

29 *(1) Except as provided in subdivision (c), provide annual*  
30 *training, using the online training module provided by the*  
31 *department, to their employees and persons working on their behalf*  
32 *who are mandated reporters, as defined in Section 11165.7 of the*  
33 *Penal Code, pursuant to this section and subdivision (d) of Section*  
34 *11165.7 of the Penal Code on the mandated reporting requirements.*  
35 *Mandated reporter training shall be provided to school personnel*  
36 *hired during the course of the school year. This training shall*  
37 *include information that failure to report an incident of known or*  
38 *reasonably suspected child abuse or neglect, as required by Section*

1 11166 of the Penal Code, is guilty of a misdemeanor punishable  
2 by up to six months confinement in a county jail, or by a fine of  
3 one thousand dollars (\$1,000), or by both that imprisonment and  
4 fine.

5 ~~(e) All persons required to receive training pursuant to~~  
6 ~~subdivision (b) shall submit proof of completing the mandated~~  
7 ~~reporter training required pursuant to subdivision (b) to the~~  
8 ~~applicable governing board or body of the school district, county~~  
9 ~~office of education, state special school and diagnostic center, or~~  
10 ~~charter school within the first six weeks of each school year or~~  
11 ~~within six weeks of employment.~~

12 *(2) Develop a process for all persons required to receive*  
13 *training pursuant to this section to provide proof of completing*  
14 *the training within the first six weeks of each school year or within*  
15 *the first six weeks of that person's employment. The process*  
16 *developed under this paragraph may include, but not necessarily*  
17 *be limited to, the use of a sign-in sheet or the submission of a*  
18 *certificate of completion to the applicable governing board or*  
19 *body of the school district, county office of education, state special*  
20 *school and diagnostic center, or charter school.*

21 *(c) School districts, county offices of education, state special*  
22 *schools and diagnostic centers operated by the department, and*  
23 *charter schools that do not use the online training module provided*  
24 *by the department shall report to the department the training being*  
25 *used in its place.*

26 SEC. 4. Section 11165.7 of the Penal Code is amended to read:  
27 11165.7. (a) As used in this article, "mandated reporter" is  
28 defined as any of the following:

- 29 (1) A teacher.  
30 (2) An instructional aide.  
31 (3) A teacher's aide or teacher's assistant employed by a public  
32 or private school.  
33 (4) A classified employee of a public school.  
34 (5) An administrative officer or supervisor of child welfare and  
35 attendance, or a certificated pupil personnel employee of a public  
36 or private school.  
37 (6) An administrator of a public or private day camp.  
38 (7) An administrator or employee of a public or private youth  
39 center, youth recreation program, or youth organization.

1 (8) An administrator or employee of a public or private  
2 organization whose duties require direct contact and supervision  
3 of children.

4 (9) An employee of a county office of education or the State  
5 Department of Education whose duties bring the employee into  
6 contact with children on a regular basis.

7 (10) A licensee, an administrator, or an employee of a licensed  
8 community care or child day care facility.

9 (11) A Head Start program teacher.

10 (12) A licensing worker or licensing evaluator employed by a  
11 licensing agency, as defined in Section 11165.11.

12 (13) A public assistance worker.

13 (14) An employee of a child care institution, including, but not  
14 limited to, foster parents, group home personnel, and personnel of  
15 residential care facilities.

16 (15) A social worker, probation officer, or parole officer.

17 (16) An employee of a school district police or security  
18 department.

19 (17) A person who is an administrator or presenter of, or a  
20 counselor in, a child abuse prevention program in a public or  
21 private school.

22 (18) A district attorney investigator, inspector, or local child  
23 support agency caseworker, unless the investigator, inspector, or  
24 caseworker is working with an attorney appointed pursuant to  
25 Section 317 of the Welfare and Institutions Code to represent a  
26 minor.

27 (19) A peace officer, as defined in Chapter 4.5 (commencing  
28 with Section 830) of Title 3 of Part 2, who is not otherwise  
29 described in this section.

30 (20) A firefighter, except for volunteer firefighters.

31 (21) A physician and surgeon, psychiatrist, psychologist, dentist,  
32 resident, intern, podiatrist, chiropractor, licensed nurse, dental  
33 hygienist, optometrist, marriage and family therapist, clinical social  
34 worker, professional clinical counselor, or any other person who  
35 is currently licensed under Division 2 (commencing with Section  
36 500) of the Business and Professions Code.

37 (22) An emergency medical technician I or II, paramedic, or  
38 other person certified pursuant to Division 2.5 (commencing with  
39 Section 1797) of the Health and Safety Code.

1 (23) A psychological assistant registered pursuant to Section  
2 2913 of the Business and Professions Code.

3 (24) A marriage and family therapist trainee, as defined in  
4 subdivision (c) of Section 4980.03 of the Business and Professions  
5 Code.

6 (25) An unlicensed marriage and family therapist intern  
7 registered under Section 4980.44 of the Business and Professions  
8 Code.

9 (26) A state or county public health employee who treats a minor  
10 for venereal disease or any other condition.

11 (27) A coroner.

12 (28) A medical examiner or other person who performs  
13 autopsies.

14 (29) A commercial film and photographic print or image  
15 processor as specified in subdivision (e) of Section 11166. As used  
16 in this article, “commercial film and photographic print or image  
17 processor” means a person who develops exposed photographic  
18 film into negatives, slides, or prints, or who makes prints from  
19 negatives or slides, or who prepares, publishes, produces, develops,  
20 duplicates, or prints any representation of information, data, or an  
21 image, including, but not limited to, any film, filmstrip, photograph,  
22 negative, slide, photocopy, videotape, video laser disc, computer  
23 hardware, computer software, computer floppy disk, data storage  
24 medium, CD-ROM, computer-generated equipment, or  
25 computer-generated image, for compensation. The term includes  
26 any employee of that person; it does not include a person who  
27 develops film or makes prints or images for a public agency.

28 (30) A child visitation monitor. As used in this article, “child  
29 visitation monitor” means a person who, for financial  
30 compensation, acts as a monitor of a visit between a child and  
31 another person when the monitoring of that visit has been ordered  
32 by a court of law.

33 (31) An animal control officer or humane society officer. For  
34 the purposes of this article, the following terms have the following  
35 meanings:

36 (A) “Animal control officer” means a person employed by a  
37 city, county, or city and county for the purpose of enforcing animal  
38 control laws or regulations.

39 (B) “Humane society officer” means a person appointed or  
40 employed by a public or private entity as a humane officer who is

1 qualified pursuant to Section 14502 or 14503 of the Corporations  
2 Code.

3 (32) A clergy member, as specified in subdivision (d) of Section  
4 11166. As used in this article, “clergy member” means a priest,  
5 minister, rabbi, religious practitioner, or similar functionary of a  
6 church, temple, or recognized denomination or organization.

7 (33) Any custodian of records of a clergy member, as specified  
8 in this section and subdivision (d) of Section 11166.

9 (34) An employee of any police department, county sheriff’s  
10 department, county probation department, or county welfare  
11 department.

12 (35) An employee or volunteer of a Court Appointed Special  
13 Advocate program, as defined in Rule 5.655 of the California Rules  
14 of Court.

15 (36) A custodial officer, as defined in Section 831.5.

16 (37) A person providing services to a minor child under Section  
17 12300 or 12300.1 of the Welfare and Institutions Code.

18 (38) An alcohol and drug counselor. As used in this article, an  
19 “alcohol and drug counselor” is a person providing counseling,  
20 therapy, or other clinical services for a state licensed or certified  
21 drug, alcohol, or drug and alcohol treatment program. However,  
22 alcohol or drug abuse, or both alcohol and drug abuse, is not, in  
23 and of itself, a sufficient basis for reporting child abuse or neglect.

24 (39) A clinical counselor trainee, as defined in subdivision (g)  
25 of Section 4999.12 of the Business and Professions Code.

26 (40) A clinical counselor intern registered under Section 4999.42  
27 of the Business and Professions Code.

28 (41) An employee or administrator of a public or private  
29 postsecondary educational institution, whose duties bring the  
30 administrator or employee into contact with children on a regular  
31 basis, or who supervises those whose duties bring the administrator  
32 or employee into contact with children on a regular basis, as to  
33 child abuse or neglect occurring on that institution’s premises or  
34 at an official activity of, or program conducted by, the institution.  
35 Nothing in this paragraph shall be construed as altering the  
36 lawyer-client privilege as set forth in Article 3 (commencing with  
37 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

38 (42) An athletic coach, athletic administrator, or athletic director  
39 employed by any public or private school that provides any

1 combination of instruction for kindergarten, or grades 1 to 12,  
2 inclusive.

3 (43) (A) A commercial computer technician as specified in  
4 subdivision (e) of Section 11166. As used in this article,  
5 “commercial computer technician” means a person who works for  
6 a company that is in the business of repairing, installing, or  
7 otherwise servicing a computer or computer component, including,  
8 but not limited to, a computer part, device, memory storage or  
9 recording mechanism, auxiliary storage recording or memory  
10 capacity, or any other material relating to the operation and  
11 maintenance of a computer or computer network system, for a fee.  
12 An employer who provides an electronic communications service  
13 or a remote computing service to the public shall be deemed to  
14 comply with this article if that employer complies with Section  
15 2258A of Title 18 of the United States Code.

16 (B) An employer of a commercial computer technician may  
17 implement internal procedures for facilitating reporting consistent  
18 with this article. These procedures may direct employees who are  
19 mandated reporters under this paragraph to report materials  
20 described in subdivision (e) of Section 11166 to an employee who  
21 is designated by the employer to receive the reports. An employee  
22 who is designated to receive reports under this subparagraph shall  
23 be a commercial computer technician for purposes of this article.  
24 A commercial computer technician who makes a report to the  
25 designated employee pursuant to this subparagraph shall be deemed  
26 to have complied with the requirements of this article and shall be  
27 subject to the protections afforded to mandated reporters, including,  
28 but not limited to, those protections afforded by Section 11172.

29 (44) Any athletic coach, including, but not limited to, an  
30 assistant coach or a graduate assistant involved in coaching, at  
31 public or private postsecondary educational institutions.

32 (b) Except as provided in paragraph (35) of subdivision (a),  
33 volunteers of public or private organizations whose duties require  
34 direct contact with and supervision of children are not mandated  
35 reporters but are encouraged to obtain training in the identification  
36 and reporting of child abuse and neglect and are further encouraged  
37 to report known or suspected instances of child abuse or neglect  
38 to an agency specified in Section 11165.9.

39 (c) Except as provided in subdivision (d), employers are strongly  
40 encouraged to provide their employees who are mandated reporters



1 with training in the duties imposed by this article. This training  
2 shall include training in child abuse and neglect identification and  
3 training in child abuse and neglect reporting. Whether or not  
4 employers provide their employees with training in child abuse  
5 and neglect identification and reporting, the employers shall  
6 provide their employees who are mandated reporters with the  
7 statement required pursuant to subdivision (a) of Section 11166.5.

8 (d) Pursuant to Section 44691 of the Education Code, school  
9 districts, county offices of education, state special schools and  
10 diagnostic centers operated by the State Department of Education,  
11 and charter schools shall annually train their employees and persons  
12 working on their behalf specified in subdivision (a) in the duties  
13 of mandated reporters under the child abuse reporting laws. The  
14 training shall include, but not necessarily be limited to, training in  
15 child abuse and neglect identification and child abuse and neglect  
16 reporting.

17 (e) Unless otherwise specifically provided, the absence of  
18 training shall not excuse a mandated reporter from the duties  
19 imposed by this article.

20 (f) Public and private organizations are encouraged to provide  
21 their volunteers whose duties require direct contact with and  
22 supervision of children with training in the identification and  
23 reporting of child abuse and neglect.

24 SEC. 5. If the Commission on State Mandates determines that  
25 this act contains costs mandated by the state, reimbursement to  
26 local agencies and school districts for those costs shall be made  
27 pursuant to Part 7 (commencing with Section 17500) of Division  
28 4 of Title 2 of the Government Code.